

**THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF RHODE ISLAND**

IMPULSE COMMUNICATIONS, INC.,

Plaintiff,

v.

UPLIFT GAMES LLC, TREETOP GAMES  
LLC, AND LIONFIELD INVESTMENTS LTD,

Defendants.

C.A. NO.: 24-cv-00166-JJM-LDA

**DECLARATION OF NICHOLAS SHAWYER IN SUPPORT OF EMAIL  
CORRESPONDENCE BETWEEN JOSH LING AND ERIC BORGOS**

I, Nicholas Shawyer, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Senior Legal Counsel of Uplift Games LLC. I make this declaration based upon my review of company records.
2. I submit this declaration in support of the Memorandum of Law in Support of Defendants Uplift Games LLC and Treetop Games LLC's Motion to Strike Pursuant to Fed. R. Civ. P. 12(f) and to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6).
3. Attached hereto is a true and accurate copy of email correspondence between Josh Ling and Eric Borgos that took place between May 12, 2020 and June 29, 2020.
4. The email correspondence come from the records of the company.
5. The email correspondence contains the full exchange between Josh Ling and Mr. Borgos, but is redacted to exclude communications between outside counsel and Mr. Borgos as settlement negotiations protected by F.R.E. 408.

Executed this 26 day of June, 2024 in London, England.

[signature] 



## **CERTIFICATE OF SERVICE**

I hereby certify that I filed the within document through the ECF system on the \_\_\_\_ day of June, 2024, and that notice will be sent electronically to the counsel who are registered participants identified on the Mailing Information for Case No. 24-cv-00166-JJM-LDA.

/s/ Jeffrey K. Techentin

# EXHIBIT

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Mon, Jun 29, 2020 at 3:56 AM Josh Ling <[REDACTED]@gmail.com> wrote:  
Hey Eric,

I've CC'd in one of our lawyers Adam who will be taking over correspondence. Hope we can come to an amicable agreement.

Thanks,  
- Josh Ling

On Sat, Jun 20, 2020 at 11:55 PM Eric Borgos <[eric@impulsecorp.com](mailto:eric@impulsecorp.com)> wrote:  
Josh,

If I sell the AdoptMe.com domain to somebody else, I would include the code for my site, and also assign the rights to the unregistered trademark to the buyer. They might then potentially sue your company to stop you from using the name, because many people confuse your site with the AdoptMe.com domain. I set up the AdoptMe.com virtual pets site in 2001 (see <https://web.archive.org/web/20010202030600/http://www.adoptme.com/>) and was using the domain with a different site starting in 1998 (see <https://web.archive.org/web/19981212022528/http://www.adoptme.com/>).

I am about to list it with a domain broker, but it would work out best for everybody if I sold the AdoptMe.com domain directly to your company, since you are the best fit for it, so please make me an offer.

- Eric

On Tue, May 26, 2020 at 10:03 AM Eric Borgos <[eric@impulsecorp.com](mailto:eric@impulsecorp.com)> wrote:  
Josh,

Let me know if you are interested in making an offer, because I soon will be trying to sell AdoptMe.com through a domain broker.

- Eric

On Wed, May 13, 2020 at 5:21 PM Eric Borgos <[eric@impulsecorp.com](mailto:eric@impulsecorp.com)> wrote:  
Josh,

Yes, make me an offer for AdoptMe.com. I don't have an official asking price. Aside from owning over 100 websites, I have also been in the domain business since 1997.

- Eric  
[eric@impulsecorp.com](mailto:eric@impulsecorp.com)

On 2020-05-12 10:29, Josh Ling wrote:

Hey Eric,

My name is Josh and I work on Adopt Me, the Roblox game you've been unfortunately made aware of.

Firstly I'd like to apologise for any confusion our players had relating to thinking you were in any way related to Adopt Me. I had no idea until today there was this confusion, though it makes sense.

I'm not sure if you're at all interested, but if you have no use of the [adoptme.com](https://www.adoptme.com) domain any more, we may be interested in purchasing it as a redirect to our official website. If so, let me know your asking price and I can coordinate with our lawyers. If not then no worries - hope things are going well for you.

Regards,  
- Josh